

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

Abner Francis Ney, III, and
Carolyn Nancy Ney,

Debtor(s).

C/A No. 13-4794-jw

Chapter 13

**NOTICE OF MOTION/APPLICATION
AND OPPORTUNITY FOR HEARING**

TAKE NOTICE that Debtors filed a MOTION TO USE CASH COLLATERAL.

TO: THE FOLLOWING CREDITORS: All Creditors. Pee Dee Federal Credit Union has a lien on the cash collateral.

A copy of the motion and proposed order (Motion/Application) accompanies this notice.

TAKE FURTHER NOTICE that any response, return and/or objection to the motion, should be filed with the Clerk of the Bankruptcy Court no later than **fourteen (14) days** from service of motion and a copy be simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this motion or application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on May 4, 2017, at 9:00 a.m., at 1100 Laurel Street, Columbia, SC 29201. No further notice of this hearing will be given.

Service Date: 3/29/17

/s/ Eric S. Reed

Eric S. Reed

Reed Law Firm, P.A.

Attorney for Movant

D.C. ID # 7242

1807 West Evans St., Ste. B

Florence, SC 29501

(843) 679-0077

Address of Court:

United States Bankruptcy Court

1100 Laurel St.; Columbia, SC 29201

UNITED STATES BANKRUPTCY COURT
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IN RE:

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**MOTION TO USE CASH
COLLATERAL**

Debtors hereby move the Court pursuant to 11 U.S.C. § 363(b)¹ and Fed. R. Bankr. P. 4001(b) for an order permitting Debtors to use cash collateral consisting of insurance proceeds in the amount of \$4,370.98, resulting from the total loss of Debtors' 2012 Chevy Sonic ("Property"), which is under lien to Pee Dee Federal Credit Union ("Creditor").

FACTS

1. On August 20, 2013, Debtors filed for relief under Chapter 13 of the Bankruptcy Code. Debtors' Chapter 13 plan ("Plan") was confirmed on November 7, 2013.
2. Creditor has a lien on the Property and is being paid through the Plan. According to the Chapter 13 Trustee's website, Creditor is owed \$4,656.38.
3. Due to total loss of the Property, Debtors' insurer, Allstate ("Insurance Company"), is prepared to issue insurance proceeds in the amount of \$4,370.98.
4. Debtor is requesting a court order authorizing Insurance Company to remit the full amount of the insurance proceeds to Creditor.

ARGUMENT

Section 363(b) provides that the "trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate" Although § 363(b) only confers standing on its face to a "trustee," § 1303 confers the powers of a "trustee" to a debtor applying §§ 363(b), 363(d), 363(e), 363(f), and 363(l) of the Code. Cash collateral, as defined in § 363(a), is considered property of the estate pursuant to § 541(a)(6). The insurance proceeds constitute "cash collateral," as the Property itself is property of the estate, and these proceeds will be received outside the Debtor's ordinary course of business. See § 363(a)-(b).

¹ All further references to the Bankruptcy Code, 11 U.S.C. § 101 *et seq.*, shall be by section number only.

Debtors believe Creditor is the only creditor with an interest in the cash collateral. See Fed. R. Bankr. P. 4001(b)(1)(B)(i). No additional adequate protection is proposed to Creditor because its lien will be paid in full. See Fed. R. Bankr. P. 4001(b)(1)(B)(iv).

WHEREFORE, Debtors move this Court for an Order authorizing Insurance Company to remit the insurance proceeds as indicated above or for whatever relief the Court deems just and appropriate.

Respectfully submitted.

March 29, 2017

Reed Law Firm, P.A.

By: /s/ Eric S. Reed

Eric S. Reed

Federal I.D. No. 7242

1807 West Evans St., Ste. B

Florence, SC 29501

(843) 679-0077

Attorney for the Movant/Debtor

UNITED STATES BANKRUPTCY COURT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she properly served the foregoing Notice of Motion to Use Cash Collateral, Motion, and proposed Order on all creditors on the attached mailing matrix by mailing same first class mail, postage prepaid, on this the 29th day of March, 2017.

/s/ Michelle Gade
Michelle Gade
Legal Assistant
Reed Law Firm, P.A.
1807 West Evans St., Ste. B
Florence, SC 29501
(843) 679-0077

Label Matrix for local noticing

0420-3

Case 13-04794-jw

District of South Carolina

Columbia

Tue Mar 28 16:15:04 EDT 2017

ATTORNEY GENERAL OF THE UNITED STATES

DEPT OF JUSTICE, ROOM 5111

10TH AND CONSTITUTION AVENUE, NW

Washington DC 20530-0001

ADVANCE CARDIOLOGY

1706 SECOND LOOP ROAD

Effingham SC 29541

American General Financial/Springleaf Fi

ATTENTION: BANKRUPTCY

PO BOX 3251

EVANSVILLE IN 47731-3251

ALTAIR OR XIII, LLC

C O WEINSTEIN AND RILEY, PS

2001 WESTERN AVENUE, STE 400

SEATTLE, WA 98121-3132

CAP1/BSTBY

26525 N RIVERWOODS BLVD

METTAWA IL 60045-3440

CHASE

P.O. BOX 15298

WILMINGTON DE 19850-5298

Capital 1 Bank

ATTN: BANKRUPTCY DEPT.

PO BOX 30285

SALT LAKE CITY UT 84130-0285

Credit First/CFNA

BK13 CREDIT OPERATIONS

PO BOX 818011

CLEVELAND OH 44181-8011

DARLINGTON COUNTY TREASURER

1625 HARRY BYRD HIGHWAY

Darlington SC 29532-3520

DLJ Mortgage Capital, Inc.

Select Portfolio Servicing, Inc.

P.O .Box 65250

Salt Lake City, UT 84165-0250

A. Todd Darwin

P.O. Drawer 1897

Spartanburg, SC 29304-1897

FHA USDA RHS

PO BOX 371419

Pittsburgh PA 15250-7419

GEGRB/ PayPal Buyer credit

ATTN: BANKRUPTCY

PO BOX 103104

ROSWELL GA 30076-9104

GEGRB/CARE CREDIT

ATTN: BANKRUPTCY

PO BOX 103104

ROSWELL GA 30076-9104

GEGRB/LOWES

ATTENTION: BANKRUPTCY DEPARTMENT

PO BOX 103104

ROSWELL GA 30076-9104

GLA COLLECTION CO INC

2630 GLEESON LN

LOUISVILLE KY 40299-1772

IRS

PO BOX 7346

Philadelphia PA 19101-7346

MCLEOD REGIONAL MEDICAL CENTER

PO BOX 100567

Florence SC 29502-0567

Travis E. Menk

Brock & Scott, PLLC

5121 Parkway Plaza Blvd.

Charlotte, NC 28217-1965

Henry Guyton Murrell

Rogers Townsend

PO Box 100200

Columbia, SC 29202-3200

NCO FIN/55

ATTN: COMPLIANCE DEPT

507 PRUDENTIAL RD

HORSHAM PA 19044-2308

Abner Francis Ney III

2133 Lamar Hwy

Darlington, SC 29532-6920

Carolyn Nance Ney

2133 Lamar Hwy

Darlington, SC 29532-6920

P D Md Clctn/Pee Dee Medical Collection

PO BOX 1597

FLORENCE SC 29503-1597

PEE DEE FEDERAL CREDIT UNION

PO BOX 1391

Florence SC 29503-1391

PEOPLES FINANCE COMPAN

413 PEARL ST

DARLINGTON SC 29532-3814

(p)PORTFOLIO RECOVERY ASSOCIATES LLC

PO BOX 41067

NORFOLK VA 23541-1067

Quantum3 Group LLC as agent for

CF Medical LLC

PO Box 788

Kirkland, WA 98083-0788

REPUBLIC FINANCE

1337-C SOUTH IRBY STREET

Florence SC 29505-2784

RMC

PO BOX 50685

COLUMBIA SC 29250-0685

Eric S. Reed

Reed Law Firm, PA

220 Stoneridge Dr., Suite 301
Columbia, SC 29210-8018

Eric S. Reed

1807 West Evans St.

Suite B

Florence, SC 29501-3374

(p)REPUBLIC FINANCE LLC
1140 ROMA AVE
HAMMOND LA 70403-5464SC DEPARTMENT OF REVENUE
PO BOX 125
Columbia SC 29202-0125SC EMPLOYMENT SECURITY COMMISSION
PO BOX 995
Columbia SC 29202-0995SPC CU
PO BOX 1355
HARTSVILLE SC 29551-1355SPC Credit Union
PO Box 1355
Hartsville, SC 29551-1355Sams Club / GEMB
ATTENTION: BANKRUPTCY DEPARTMENT
PO BOX 103104
ROSWELL GA 30076-9104Select Portfolio Servicing
PO BOX 65250
SALT LAKE CITY UT 84165-0250(p)SPRINGLEAF FINANCIAL SERVICES
P O BOX 3251
EVANSVILLE IN 47731-3251William K. Stephenson Jr.
PO Box 8477
Columbia, SC 29202-8477US Trustee's Office
Strom Thurmond Federal Building
1835 Assembly Street
Suite 953
Columbia, SC 29201-2448US ATTORNEYS OFFICE
JOHN DOUGLAS BARNETT ESQ
1441 MAIN STREET SUITE 500
Columbia SC 29201-2897USDA
PO BOX 790301
Saint Louis MO 63179-0301(p)VIRGINIA DEPARTMENT OF TAXATION
P O BOX 2156
RICHMOND VA 23218-2156WORLD ACCEPTANCE CORP
WORLD ACCEPTANCE CORP/ATTN BANKRUPTCY
PO BOX 6429
GREENVILLE SC 29606-6429World Finance Corporation
322 Pearl Street
Darlington, SC 29532-3813

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Portfolio Recovery Associates, LLC
PO Box 12914
Norfolk VA 23541(d)Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541Republic Finance Bankruptcy Center
7535 Airways Blvd Ste 210
Southaven, Ms 38671Springleaf Financial Services
P.O. Box 3251
Evansville, IN 47731VA DEPT OF TAXATION
PO BOX 1115
Richmond VA 23218

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.